

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**KEITH L'SHAWN SMITH,**

**Plaintiff,**

**v.**

**OKLAHOMA CITY POLICE  
DEPARTMENT,**

**Defendant.**

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**Case No. CIV-18-233-R**

**ORDER**

When Plaintiff Keith L'Shawn Smith initiated the present action, he was in custody at a correctional facility in Model, Colorado. Plaintiff granted leave to proceed *in forma pauperis* and ordered to pay an initial filing fee of \$15.55, which he has done. *See* Doc. Nos. 6, 10. Plaintiff now has a \$334.45 balance due.

The Court's Order granting Plaintiff's application was mailed to the correctional facility that Plaintiff had provided the Court as his address of record. *See* Compl. (Doc. No. 1) at 4; Doc. No. 6. This mailing was returned as undeliverable. Doc. Nos. 6, 7. In addition, the Warden of that facility has informed the Court that Plaintiff was discharged from Colorado custody and left no forwarding address. Doc. No. 8.

Local Civil Rule 5.4(a) requires any litigant to promptly notify the Court whenever his or her address changes during the pendency of the litigation. This requirement is especially important when a litigant is released from custody during the pendency of litigation because of the special requirements applicable to consideration of *in forma pauperis* status for prisoners. *See* 28 U.S.C. §§ 1915(a)(2), (b)(1); LCvR 3.3(b)-(c). To

date, Plaintiff has not filed a change-of-address form or otherwise informed the Court of his new address.

Accordingly, Plaintiff is ordered to file notice of his change of address with the Clerk of the Court no later than May 3, 2018. *See* LCvR 5.4(a). The failure to timely comply with this Order may result in the dismissal of this action.

Further, if Plaintiff has been released from prison, he may no longer be entitled to continue to proceed without prepayment of the mandatory filing fee. *See Treff v. Galetka*, 74 F.3d 191, 197 (10th Cir. 1996). If Plaintiff's personal financial condition has improved during the course of this litigation, he is obligated to either pay the filing fee or to file an updated *in forma pauperis* application. *See id.*; LCvR 3.2, 3.3. Accordingly, by May 3, 2018, Plaintiff shall file an updated application for leave to proceed *in forma pauperis*. The new application shall provide current information regarding the Plaintiff's financial condition, including his employment status and any assets or funds available to him for prepayment of the filing fee. The Clerk is directed to send both versions (prisoner and nonprisoner) of the Court's *in forma pauperis* application form to Plaintiff at his last known address, along with a change-of-address form and a copy of this Order. LCvR 5.4(a); *cf.* Fed. R. Civ. P. 5(b)(2)(C). The failure to timely comply with this Order may result in revocation of Plaintiff's leave to proceed *in forma pauperis* and/or dismissal of this action.

IT IS SO ORDERED this 19th day of April, 2018.

A handwritten signature in blue ink, reading "Charles B. Goodwin". The signature is written in a cursive style with a large initial "C".

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CHARLES B. GOODWIN  
UNITED STATES MAGISTRATE JUDGE